UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,390	01/03/2002	Watson Wu	3626-0240P	8731

2292   7590   11/02/2004

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
PAULA, CESAR B

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/034,390	WU, WATSON
	Examiner	**Art Unit**	
	CESAR B PAULA	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _1/3/02_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _12 March 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892) ๐	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

1. This action is responsive to the application filed on 1/3/2002.

   This action is made Non-Final.

2. Claims 1-30 are pending in the case. Claims 1, 11, and 21 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), and based on application # 90 122 705 filed in Taiwan on 9/13/2001, which papers have been placed of record in the file.

Drawings

4. The drawings filed on 3/12/2002 have been approved by the examiner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-4, 6-14, 16-24, and 26-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Myers et al, hereinafter Myers, (2002/0037104, 3/28/2002, provisional

application filed on 9/22/2000).

        Regarding independent claim 1, Myers teaches the accepting, and capture of video with

an image capture sensor--*video-receiving module for receiving video source data, and decoding

module* (0033-0034, fig.1).

        Moreover, Myers teaches the detection, and location of text regions within capture video

imagery. The text is detected according to text recognition device or computer--*extracting the

text part from the video data according to a production guide* (0035-0036, fig.1).

        Furthermore, Myers fails to explicitly teach *an illustration-extracting module for

extracting a key frame from the video data according to the production guide and producing the

book according to the extracted text part and illustration part.* However, it would have been

obvious to one of ordinary skill in the art at the time of the invention to have extracted an

image—*illustration part--* from a video and index the image to produce an indexed photo album

or book, using the extracted text, because Myers teaches using the extracted text to index images

(0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from

video, in order to quickly, and efficiently access those images.

        Regarding claim 2, which depends on claim 1, Myers teaches storing the extracted text

for later processing with a word processor (0054, 0057). Myers fails to explicitly teach *receiving

a command from a user to edit contents of the book after the book is produced.* However, it

would have been obvious to one of ordinary skill in the art at the time of the invention to have

received a command with a word processor for editing the stored book, because Myers teaches

above the later processing using the extracted text, thus, providing the flexibility, and

convenience of a word processing program to edit the extracted text after words.

Regarding claim 3, which depends on claim 1, Myers teaches a user storing the extracted

text for later processing with a word processor— *producing the book using a template* stored

(0054, 0057).

Regarding claim 4, which depends on claim 1, Myers teaches a user deploying a

notebook—*production guide*-- for capturing video for extracting, and storing the extracted text

for later processing with a word processor (0054, 0057). Myers fails to explicitly teach *receiving*

a command from a user to select the production guide. However, it would have been obvious to

one of ordinary skill in the art at the time of the invention to have received a command with a

word processor for editing the stored book, because Myers teaches above the later processing

using the extracted text, thus, providing the flexibility, and convenience of a word processing

program to edit the extracted text after words.

Regarding claim 6, which depends on claim 1, Myers fails to explicitly teach *a caption-*

analyzing algorithm by which caption data and video data in the video data are analyzed, the

text-extracting module extracts the caption data to obtain the text part according to the caption-

analyzing algorithm, and the illustration-extracting module extracts image data from the video

data corresponding to the caption data as the illustration part. However, it would have been

obvious to one of ordinary skill in the art at the time of the invention to have extracted an image

from a video and index the image to produce an indexed photo album or book, using the

extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-

29), thus, providing the benefit of organizing images, and text extracted from video, in order to

quickly, and efficiently access those images.

Regarding claim 7, which depends on claim 1, Myers teaches the capture of an image

used for text detection—*video data are analyzed according to an image sample* (0034). Myers

fails to explicitly teach *the illustration-extracting module extracts image data to obtain the*

illustration part according to the image analyzing algorithm, and the text-extracting module

extracts the caption data to obtain the text part according to from the video corresponding to the

image data. However, it would have been obvious to one of ordinary skill in the art at the time of

the invention to have extracted an image from a video and index the image to produce an

indexed photo album or book, using the extracted text, because Myers teaches using the

extracted text to index images (0030, lines 11-29), thus, providing the benefit of organizing

images, and text extracted from video, in order to quickly, and efficiently access those images.

Regarding claim 8, which depends on claim 1, Myers teaches the capture of an image—

according to an object-- used for text detection (0034). Myers fails to explicitly teach *the*

illustration-extracting module extracts image data to obtain the illustration part according to the

image analyzing algorithm, and the text-extracting module extracts the caption data to obtain the

text part according to from the video corresponding to the image data. However, it would have

been obvious to one of ordinary skill in the art at the time of the invention to have extracted an

image—*illustration part--* from a video and index the image to produce an indexed photo album

or book, using the extracted text, because Myers teaches using the extracted text to index images

(0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from

video, in order to quickly, and efficiently access those images.

Regarding claim 9, which depends on claim 1, Myers teaches the capture of an image

used for text detection —*text-extracting module extracts captions in the image data as the text*

part-- (0030, 0034). Myers fails to explicitly teach *the illustration-extracting module extracts*

image data as the illustration part. However, it would have been obvious to one of ordinary skill

in the art at the time of the invention to have extracted an image—*illustration part--* from a video

and index the image to produce an indexed photo album or book, using the extracted text,

because Myers teaches using the extracted text to index images (0030, lines 11-29), thus,

providing the benefit of organizing images, and text extracted from video, in order to quickly,

and efficiently access those images.

Regarding claim 10, which depends on claim 1, Myers teaches the capture of an image

used for text detection by agglomerating the text recognition results from several video frames to

obtain the best results from each frame and form a single result —*scene/shots shifts of image*

data are analyzed-- (0030, 0041). Myers fails to explicitly teach *use the scene/shot shift*

analyzing algorithm as a selection and segmentation guide for the text and illustration part.

However, it would have been obvious to one of ordinary skill in the art at the time of the

invention to have extracted an image—*illustration part--* from a video and index the image using

the extracted text, to produce an indexed photo album or book, using the extracted text, because

Myers teaches using the extracted text to index images (0030, lines 11-29), thus, providing the

benefit of organizing images, and text extracted from video, in order to quickly, and efficiently

access those images.

Claims 11-14, 16-20 are directed towards a method for implementing the system found in

claims 1-4, and 6-10 respectively, and therefore are similarly rejected.

Claims 21-24, and 26-30 are directed towards a computer program product on a

computer-readable medium for storing the steps found in claims 1-4, and 26-30 respectively, and

therefore are similarly rejected.

7.   Claims 5, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Myers in view of Video Manga: generating semantically meaningful video summaries Uchihashi

et al, October 1999, Proceedings of the seventh ACM international conference on Multimedia

(Part 1), p.383-392, hereinafter Uchihashi.

Regarding claim 5, which depends on claim 1, Myers teaches the capture of an image

used for text detection (0034). Myers fails to explicitly teach *extracts the audio data to obtain*

the text part. However, Uchihashi teaches using speech recognition to extract text from video

(sect. 2, 4ᵗʰ parag.). It would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an the text from audio found in the video, and extracted image from a video and index the image to produce an indexed photo album or book, using the extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-29), and Uchihashi discloses capturing compact and visually pleasing summary capturing semantically important event (abst, sect. 6.2), thus, providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Claim 15 is directed towards a method for implementing the system found in claims 5, and therefore is similarly rejected.

Claim 25 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 5, and therefore is similarly rejected.

Conclusion

I.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Myers et al. (C. # 2002/0051575), Dimitrova et al. (UsPub. # 2002/0144293), Li et al. (UsPub. # 2003/0043172), **Automating the creation of a digital video library, Smith et al, January 1995, Proceedings of the third ACM international conference on Multimedia, p. 1-3.,** and **An Interactive Comic Book Presentation for Exploring Video, Boreczky et al, ACM, 4/2000, p.185-192.**

II.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is **(571) 272-2148**. The

examiner can normally be reached on Monday through Friday (every other Friday off) from 8:00

a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least

one business day.

Any response to this Action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Or faxed to:

- **(703) 703-872-9306, (for all Formal communications intended for entry)**

CESAR B PAULA
Patent Examiner
Art Unit 2178

10/29/04